

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

APRIL 16, 2008

The Fair Housing Board Meeting was held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

David B. Rubinstein, Chairman
James Schuyler, Vice Chair
Neil Bhatt
Stephen McMaster
Robert Ruais
Laura Dupuy (arrived at 10:18 A.M.)
Tonye Epps
Jim Ginnell
Jeffrey Adkins
Martin Maples

The following Board Members were not present: Penny Johnson and Cynthia Clare

DPOR Staff present for all or part of the meeting included:

Jay DeBoer, Director
Saba Shami, Chief Deputy
Mark Courtney, Deputy Director
Liz Hayes, Fair Housing Administrator
Christine Martine, Executive Director
Emily Trent, Administrative Assistant
Deanda Shelton, Assistant Fair Housing Administrator
Trudy Miller, Fair Housing Investigator
Angela Keefe-Thomas, Fair Housing Investigator
Karen Taylor, Fair Housing Specialist
Yvette Barnes, Fair Housing Investigator
Arthur Ryan, Fair Housing Investigator

Tom Payne, Assistant Attorney General with the Office of the Attorney General, was present.

Chairman Rubinstein called the meeting to order at 10:04 **Call to Order** A.M.

There was no public comment.

Public Comment

A motion was made by Mr. Schuyler and seconded by Mr. Maples to approve the Agenda. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

Agenda

A motion was made by Mr. Bhatt and seconded by Mr. Schuyler to approve the following minutes with a correction: February 13, 2008, Fair Housing Board Meeting. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

Minutes

A motion was made by Mr. McMaster and seconded by Mr. Ginnell to approve the following minutes: February 12, 2008 Fair Housing Regulation Review Committee Meeting. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

Liz Hayes updated the Board on the current investigative case load. Ms. Hayes also announced that the Fair Housing Board training would be on June 10, 2008. No action was taken by the Board.

**Fair Housing
Administrator's Report**

In the matter of **FHB File Number 2008-00646, Terri and Jacob Gerald v. James Yeatts**, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Mr. Ruais and seconded by Ms. Epps to find reasonable cause that the respondent discriminated against the complainants in the terms and conditions of a rental based on race, and for refusal to rent based on race and to delay issuing the charge for thirty days to pursue conciliation. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

**FHB File Number 2008-
00646, Terri and Jacob
Gerald v. James Yeatts**

A motion was made by Mr. Schuyler and seconded by Mr. Ruais to find no reasonable cause that the respondent discriminated against the complainants by falsely denying

housing availability based on race. The motion passed majority vote. Members voting "Yes" were: Adkins, Bhatt, Epps, Ginnell, Maples, Ruais, Rubinstein and Schuyler. Member voting "No" was McMaster.

Board member Laura Dupuy arrived at 10:18 A.M.

Board Member Arrival

In the matter of **FHB File Number 2008-00549, Mischell Evans and Michael Lucas v. Tiffany Patterson, Honesto Gregory and Somerset Apartments, LP**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Final Investigative Report and Supplement. Michael Lucas, Complainant, was present and addressed the Board. A motion was made by Ms. Dupuy and seconded by Mr. Bhatt to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Adkins, Bhatt, Dupuy, Epps, Maples, McMaster, Ruais, and Rubinstein. Member voting "No" was Schuyler.

FHB File Number 2008-00549, Mischell Evans and Michael Lucas v. Tiffany Patterson, Honesto Gregory and Somerset Apartments, LP

Due to a possible conflict of interest, Mr. Ginnell did not participate in the discussion or vote related to this matter.

In the matter of **FHB File Number 2008-02319, Rosalyn Huckaby v. Chester Village Condo Association**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Rosalyn Huckaby, Complainant, was present and addressed the Board. A motion was made by Mr. McMaster and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Dupuy, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-02319, Rosalyn Huckaby v. Chester Village Condo Association

Due to a possible conflict of interest, Mr. Ginnell did not participate in the discussion or vote related to this matter.

In the matter of **FHB File Number 2008-01943, Melvin and Beverly Wilkins v. Rose Shulzitski and the 5105 LLC**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis, Recommendation. A motion was made by Mr. Bhatt and seconded by Mr. Maples to close the case with a finding of no reasonable

FHB File Number 2008-01943, Melvin and Beverly Wilkins v. Rose Shulzitski and the 5105 LLC

cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Dupuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

In the matter of **FHB File Number 2008-02121, Leonora Studivant v. Rosa Taylor**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Kenneth Studivant, Complainant's son, was present and addressed the Board. A motion was made by Mr. Maples and seconded by Mr. Ginnell to find no reasonable cause. The motion passed by majority vote. Member voting "Yes" were: Adkins, Bhatt, Dupuy, Ginnell, Maples, McMaster, Ruais, and Rubinstein. Member voting "No" was Schuyler.

FHB File Number 2008-02121, Leonora Studivant v. Rosa Taylor

Due to a possible conflict of interest, Ms. Epps did not participate in the discussion or vote related to this matter.

In the matter of **FHB File Number 2008-02088, Leslie Dawkins and Juana Llorens v. Susan S. Lawrence**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Epps to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Dupuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-02088, Leslie Dawkins and Juana Llorens v. Susan S. Lawrence

In the matter of **FHB File Number 2008-00547, Cara Peters v. Elizabeth Hicks, Sylvia Lamb, F & W Management LC and Twin Canal Village LP**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Dupuy to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Dupuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-00547, Cara Peters v. Elizabeth Hicks, Sylvia Lamb, F & W Management LC and Twin Canal Village LP

In the matter of **FHB File Number 2008-02443, Gregory Leon Hicks v. Stevdav LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Mr. Ginnell to close the case with a finding of no reasonable cause. The motion passed

FHB File Number 2008-02443, Gregory Leon Hicks v. Stevdav LLC

unanimously. Members voting “Yes” were: Adkins, Bhatt, Dupuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

In the matter of **FHB File Number 2007-03640, Sonia Smith and Harvey Gravely v. Kenneth E. Wilson, Jr.**, the Board reviewed the record which consisted of the Final Investigative Report, a letter from the Complainant, Sonia Smith, Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Mr. Adkins and seconded by Mr. McMaster to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting “Yes” were: Adkins, Bhatt, Dupuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2007-03640, Sonia Smith and Harvey Gravely v. Kenneth E. Wilson, Jr.

In the matter of **FHB File Number 2007-00009, Bettie J. High v. Royal Arms Associates LLP**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Mr. Schuyler and seconded by Mr. Maples to find reasonable cause that the respondent failed to make a reasonable accommodation for the complainant’s disability and to delay issuing the charge for thirty days to pursue conciliation. The motion passed unanimously. Members voting “Yes” were: Adkins, Bhatt, Dupuy, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2007-00009, Bettie J. High v. Royal Arms Associates LLP

A motion was made by Mr. Bhatt and seconded by Mr. Maples to find no reasonable cause that the respondent discriminated against the complainant regarding terms and conditions of a rental based on disability. The motion passed unanimously. Members voting “Yes” were: Adkins, Bhatt, Dupuy, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

Due to a possible conflict of interest, Mr. Ginnell did not participate in the discussion or vote related to this matter.

In the matter of **FHB File Number 2007-02016, Rosalyn Jackson-Rush and Alphonso Rush v. Orchard Corporation and Philip Speasmaker**, the Board reviewed the record which consisted of the Final Investigative Report

FHB File Number 2007-02016, Rosalyn Jackson-Rush and Alphonso Rush v. Orchard

and Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Ms. Dupuy and seconded by Mr. Schuyler to find reasonable cause that the respondents refused to negotiate for the rental of the subject property with the complainants based on familial status, and to delay issuing the charge for thirty days to pursue conciliation. The motion passed by majority vote. Members voting "Yes" were: Adkins, Bhatt, Dupuy, Epps, Ginnell, McMaster, Ruais, Rubinstein and Schuyler. Member voting "No" was: Maples.

The Board recessed from 11:45 A.M. to 11:56 A.M.

In the matter of **FHB File Number 2008-00428, Sherry Morris, Parish Hall and Billy & Bessie Hall v. Leona and Estel McClanahan**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General.

At 11:57 A.M., Mr. Schuyler offered a motion which was seconded by Mr. Maples, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Liz Hayes, and Arthur Ryan.

This motion is made with respect to the matter(s) identified as agenda item(s):

15. FHB File Number 2008-00428, Sherry Morris, Parish Hall and Billy & Bessie Hall v. Leona and Estel McClanahan

At 12:37 P.M., a motion was made by Ms. Dupuy and seconded by Mr. McMaster that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of

Corporation and Philip Speasmaker

Break

FHB File Number 2008-00428, Sherry Morris, Parish Hall and Billy & Bessie Hall v. Leona and Estel McClanahan

Closed Session

Certification

Information Act; and

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 10-0

AYES: Adkins, Bhatt, Dupuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

NAYS: None

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Clare and Johnson.

In the matter of **FHB File Number 2008-00428, Sherry Morris, Parish Hall and Billy & Bessie Hall v. Leona and Estel McClanahan**, a motion was made by Ms. Dupuy and seconded by Mr. Bhatt to find reasonable cause that the respondents refused to rent the subject dwelling to the Complainants based on race and discriminated in the terms and conditions of a rental based on race. The motion passed by majority vote. Members voting "Yes" were: Adkins, Bhatt, Dupuy, Epps, Ginnell, Maples, McMaster, Rubinstein and Schuyler. Member voting "No" was: Ruais.

FHB File Number 2008-00428, Sherry Morris, Parish Hall and Billy & Bessie Hall v. Leona and Estel McClanahan

Board member Jeff Adkins departed at 12:38 P.M.

Departure of Board Member

In the matter of **FHB File Number 2008-01209, Katrina Rollins v. Monticello Vista Associates Limited Partnership**, a motion was made by Mr. Bhatt and seconded by Ms. Dupuy to approve the terms of the conciliation

FHB File Number 2008-01209, Katrina Rollins v. Monticello Vista Associates Limited

agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Dupuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

Partnership

In the matter of **FHB File Number 2005-02182, Douglas and Delores Chadwick v. Elwood and Betty Knighton**, a motion was made by Mr. Schuyler and seconded by Mr. McMaster to approve the terms of the settlement agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Dupuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2005-02182, Douglas and Delores Chadwick v. Elwood and Betty Knighton

In the matter of **FHB File Number 2007-04271, Henry and Ruth Baker v. Roger and Catherine Upton**, a motion was made by Mr. Schuyler and seconded by Mr. Bhatt to approve the terms of the settlement agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Dupuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2007-04271, Henry and Ruth Baker v. Roger and Catherine Upton

In the matter of **FHB File Number 2005-03392, Raymond Betts v. Richmond Redevelopment & Housing Authority**, a motion was made by Mr. Schuyler and seconded by Mr. Ruais to approve the terms of the settlement agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Dupuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2005-03392, Raymond Betts v. Richmond Redevelopment & Housing Authority

There being no further business, the meeting adjourned at 12:47 P.M.

Adjourn

David B. Rubinstein, Chairman

Jay W. DeBoer, Secretary